

**REMARKS****I. Overview**

Claims 25-43 and 67 are pending. Claims 25, 42, and 43 are amended herein to more clearly identify the subject matter for which Applicants seek protection.

**II. Rejections under 35 U.S.C. § 102 and § 103**

The Examiner rejected the claims as shown in the following table. Applicants respectfully traverse each of these rejections below.

| <b>Statute</b>     | <b>Claims</b>            | <b>Reference(s)</b>            |
|--------------------|--------------------------|--------------------------------|
| 35 U.S.C. § 102(e) | 25, 33-39, 41-43, and 67 | Nahan (6,343,273)              |
| 35 U.S.C. § 103(a) | 26-32 and 40             | Nahan and Ewing (2002/0095298) |

**III. Applicants' Disclosure**

Applicants' disclosure is directed to a system for providing entertainment and sharing of activities in an online environment through the creation of purchase notification relationships with other users that share similar purchasing interests. A purchase notification relationship allows a user who is not a party to a transaction -- the notified user -- to receive a notification when another user -- the purchasing user -- makes a purchase. The sharing of information about purchases and interests fosters online relationships between the users.

**IV. The Prior Art**

Nahan describes an art auction system in which a buying dealer represents a client who wants to purchase art. The buying dealer places bids with listing dealers, and when matching terms are reached the buying dealer completes an art purchase on behalf of the client. Nahan describes communications exchanged between the buying dealer and listing dealer during the purchase transaction, but does not describe any communications subsequent to the purchase. Nahan also does not disclose sharing information about a purchase with other parties not involved in the purchase transaction. Instead, the

purchase transaction occurs between the buying dealer and the listing dealer on behalf of the client, and information is only shared among these participants in the transaction.

Ewing, which the Examiner indicates teaches sending communications over voice mail, electronic mail, and instant messaging, describes a system for sending anonymous gifts.

V. The Claims Distinguished

A. *Rejection of claims 25, 42, and 43 under § 102(e) over Nahan*

Applicants respectfully traverse this rejection. Claim 25 as herein amended recites:

25. A method for notifying a notified customer about a purchase made by a purchasing customer, comprising:

in a computing system, detecting that the purchasing customer has purchased an item for a person other than the notified customer, wherein the notified customer is not a party to the purchase transaction;

in the computing system, determining that the notified customer has a purchase notification relationship with the purchasing customer; and

in the computing system, providing to the notified customer a notification that the purchasing customer has purchased the item, the notification identifying the purchasing customer.

Claim 25 recites "detecting that the purchasing customer has purchased an item for a person other than the notified customer." The listing dealer in Nahan, from whom art is purchased, is not the same as a notified customer as recited in Applicants' claims. Communications used to complete the purchase as taught by Nahan cannot constitute a notification of the purchase, because a notification of the purchase cannot occur until after the purchase is complete. Claim 25 further recites "providing to the notified customer a notification that the purchasing customer has purchased the item." In accordance with the

teachings of Nahan, it would not make sense to notify the seller in a transaction following a purchase, as the seller is already aware of the purchase by his participation in it.

Claim 25 also recites that "the notified customer has a purchase notification relationship with the purchasing customer." The system of Nahan does not describe the recited purchase notification relationship. In one aspect, the buying dealer is not a purchasing customer, but rather simply brokers the transaction on behalf of the client. In another aspect, the listing dealer is the other party to the transaction. Nahan simply does not teach any other relationship.

Applicants have further amended claim 25 to recite that "the notified customer is not a party to the purchase transaction," to further clarify that the seller of an item – such as Nahan's listing dealer or the client of the buying dealer -- is excluded from acting as the notified customer. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim 42 as herein amended recites:

42. A computer-readable medium whose contents cause a computing system to notify a notified customer about a purchase made by a purchasing customer, by a method comprising:

in the computing system, detecting that the purchasing customer has purchased an item for a recipient other than the notified customer, wherein the notified customer is not a party to the purchase transaction;

in the computing system, determining that the notified customer has a purchase notification relationship with the purchasing customer; and

in the computing system, providing to the notified customer a notification that the purchasing customer has purchased the item, the notification identifying the purchasing customer.

Similar to claim 25, claim 42 recites "detecting that the purchasing customer has purchased an item for a person other than the notified customer." Claim 42 also recites "providing to the notified customer a notification that the purchasing customer has purchased the item." Claim 42 further recites that "the notified customer has a purchase notification relationship with the purchasing customer," and "the notified customer is not a party to the purchase transaction." As described above, Nahan fails to teach or suggest detecting the completed purchase. Moreover, Nahan fails to teach or suggest notifying a customer not a party to the purchase transaction. For these reasons, Applicants submit that Nahan fails to anticipate the claims and respectfully request a withdrawal of the rejection.

Claim 43 as herein amended recites:

43. (Currently Amended) A computing system for notifying a notified customer about a purchase made by a purchasing customer, comprising:

a purchase detection subsystem that detects that the purchasing customer has purchased an item for a recipient other than the notified customer, wherein the notified customer is not a party to the purchase transaction;

a purchase notification relationship subsystem that determines that the notified customer has a purchase notification relationship with the purchasing customer; and

a notification subsystem that provides to the notified customer a notification that the purchasing customer has purchased the item, the notification identifying the purchasing customer.

Similar to claim 25, claim 43 recites "detecting that the purchasing customer has purchased an item for a person other than the notified customer." Claim 43 also recites "provid[ing] to the notified customer a notification that the purchasing customer has purchased the item." Claim 43 further recites that "the notified customer has a purchase notification relationship with the purchasing customer," and "the notified customer is not a party to the purchase transaction." As described above, Nahan fails to teach or suggest

detecting the completed purchase. Moreover, Nahan fails to teach or suggest notifying a customer not a party to the purchase transaction. For these reasons, Applicants submit that Nahan fails to anticipate the claims and respectfully request a withdrawal of the rejection.

*B. Rejection of claims 33-39, 41, and 67 under § 102(e) over Nahan*

Each of these claims depends from an independent claim discussed above, and is therefore patentable over Nahan for the reasons described above. In particular, each of these claims recites that "the notified customer is not a party to the purchase transaction," and Nahan does not describe any notification to parties outside of the transaction. In addition, claims 33-35 recite "establishing for the notified customer a purchase notification relationship with the purchasing customer." As described above, Nahan fails to teach that the buying dealer would notify the listing dealer or client about other purchases that the buying dealer makes, that the listing dealer would receive information from either the buying dealer or the client about other purchases outside of the purchase transaction, or that the listing dealer would seek to obtain either of these two results by establishing a purchase notification relationship. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim 37 further recites "wherein the notification includes a control for obtaining additional information about the product." Nothing in Nahan describes a control in an online system for performing actions related to the purchase of an item. Namely, Nahan does not describe a control that enables the customer to obtain additional information about a product. Therefore, this claim is patentable over Nahan.

Claim 38 recites "wherein the notification includes a control for purchasing the product." Nothing in Nahan describes a control presented to a customer in an online system for performing actions related to the purchase of an item. Namely, Nahan does not describe a control for purchasing a product. Therefore, this claim is patentable over Nahan.

Claim 41 recites "receiving input from the purchasing customer indicating that the purchasing customer owns the item." Nahan contains no indication that the buying dealer would indicate a previous purchase of an item to inform the system that the item should be shared with other users with which the buying dealer has a purchase notification relationship. Therefore, this claim is patentable over Nahan for this additional reason.

*C. Rejection of claims 26-32 and 40 under § 103(a) over Nahan in view of Ewing*

Each of these claims depends from an independent claim discussed above, and is therefore patentable over Nahan for the reasons described above. In particular, each of these claims recites that "the notified customer is not a party to the purchase transaction," and Nahan does not describe any notification to parties outside of the transaction. In addition, Ewing does not teach notifying someone that is not a party to a purchase transaction and that has a purchase notification relationship with the purchaser that a purchase has been made. Therefore, Applicants' claims are patentable over both Nahan and the combination of Nahan and Ewing. Accordingly, Applicants respectfully request that these rejections be withdrawn.

VI. Conclusion

Based upon these remarks and amendments, Applicants respectfully request reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3265.

Applicants believe all required fees are being paid in connection with this response. However, if an additional fee is due, please charge our Deposit Account No. 50-0665, under Order No. 249768040US from which the undersigned is authorized to draw.

Dated: June 28, 2006

Respectfully submitted,

By 

J. Mason Boswell

Registration No.: 58,388

PERKINS COIE LLP

P.O. Box 1247

Seattle, Washington 98111-1247

(206) 359-3265

(206) 359-4265 (Fax)

Attorney for Applicants